

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN DANIEL VILLA JR.,

Plaintiff,

No. C 07-01436 WHA

v.

LINDA ROWE, JENNIFER SWINEY,
and BHAWNA JAIN,

Defendants.

**ORDER GRANTING MOTION TO
ALLOW TESTIMONY OF HOWARD
E. GARD, M.D., IN OPEN COURT
BY CONTEMPORANEOUS
TRANSMISSION**

Defendants Bhawna Jain and Linda Rowe move the Court to allow trial witness Howard E. Gard, M.D., to testify in open court by contemporaneous transmission pursuant to FRCP 43. Counsel propose to examine Dr. Gard at trial by two-way video-conferencing due to Dr. Gard's serious medical condition. Plaintiff's counsel has filed a statement of non-opposition. For the reasons stated in the moving papers, the motion is **GRANTED**.

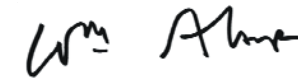
Counsel shall arrange the logistics for Dr. Gard's contemporaneous testimony with the Court's Deputy Clerk, Dawn Toland, in advance of trial, including what equipment the Court provides and what must be provided separately for Dr. Gard by the parties. Given the Court's competing trial obligations, counsel shall please make sure that the availability of Dr. Gard and the arrangements made for his contemporaneous testimony are flexible once trial is finally set.

Alternatively, given the uncertain state of Dr. Gard's health, counsel may be well

1 advised to preserve his trial testimony by way of deposition (whether captured by video or not),
2 for future use. Failing that, the above plan remains.

3
4 **IT IS SO ORDERED.**

5
6 Dated: July 25, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE